

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70738 of 2018

Arising Out of PS. Case No.-291 Year-2017 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Afaroze Dewan, S/o- Kasim Dewan, Resident of Village- Majhauliya, P.S.-
Majhauliya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Sabrun Nisha, W/o- Afaraz Dewan, Resident of Village- Majhauliya, P.S.-
Majhauliya, District- West Champaran, At present D/O- Jaitullah Dewan,
Resident of Village & P.O.- Pakariya, P.S.- Chhauradano, District- East
Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar No.1
For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the complainant
is apprehending arrest in a complaint case wherein process has
been directed to be issued after cognizance being taken for the
offences punishable under Sections 323, 341 and 498A of the
Indian Penal Code.

The prosecution case as per the complaint petition is
that the complainant was married with the petitioner on
05.05.20019 and was subsequently blessed with a male child.
But subsequent to the marriage further dowry demand of a
motorcycle was made and due to non-fulfillment of the same,



the complainant was tortured and ultimately she was driven out from the matrimonial house after snatching all her belongings.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and is ready to keep the complainant as wife with full dignity and honour, a statement to that effect has been made in para 6 of the petition which reads as follows:-

“6. That it is admitted petitioner is the husband of complainant and he is a still ready to keep her, as wife with full dignity and honour.”

It is further submitted that similar was the stand of the petitioner before the learned Court below which gets reflected from the impugned order itself.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for four months, in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul at Motihari in connection with Complaint Case No. C-291 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below issue notice to the



complainant for her appearance. On her appearance, the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by learned Court below in three eventualities (i) if the matrimonial harmony is substantially restored, or (ii) if the complainant fails to appear before the learned court below, or (iii) if the complainant gets reluctant to reconcile the issue.

(Dinesh Kumar Singh, J)

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